

Proviso. of the act to which this is a supplement: *Provided*, That nothing herein contained shall prevent a debtor arrested on a bail piece from giving new bail, according to law, and obtaining his release thereby: *Provided also*, That the provisions of the fourth section of the act to which this is a supplement, be and the same are hereby extended to this act.

2d proviso. *SECT. 2. And be it further enacted by the authority aforesaid.* That the said sheriff or constable shall be entirely exonerated upon his making a return of said order on the process under which the said debtor was held in custody; and the aforesaid discharge given by said judge, on a bail piece, shall entitle the bail to be exonerated as effectually as if the debtor had been surrendered and confined in prison on said bail piece, upon the said order being filed with the officer who issued said bail piece, and who is hereby directed to give the party a certificate of the same being so filed.

How sheriff and bail may be discharged.

Repeal of former act.

*SECT. 3. And be it further enacted by the authority aforesaid,* That the second and third sections of the act to which this is a supplement, be, and the same are hereby repealed, except so far as respects proceedings heretofore instituted.

JOSEPH LAWRENCE, *Speaker*  
of the House of Representatives.

WILLIAM MARKS, Junior,  
*Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and twenty.,

WILLIAM FINDLAY.

## CHAPTER CVIII.

### A FURTHER SUPPLEMENT

To an act, entitled "An act to amend and consolidate with its supplements, the act entitled An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes."

*SECT. 1. BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where any alderman or justice of the peace of this Commonwealth shall issue a summons, warrant of arrest, or execution in any civil suit, against any constable or constables, for any debt or demand alledged to be due by him or them in his or their individual or private capacity, he

Proceedings when suit is brought against a constable.

shall direct such summons, warrant of arrest or execution to any other constable in the city or county in which the said justice may reside, who shall be authorised and bound to serve or execute the same in the manner prescribed by the act to which this is a supplement, under a penalty of twenty dollars, to be recovered as other fines are recoverable by the same act: And if the constable to whom such process shall be directed, shall neglect or refuse to make return of the same, or having made the money, or any part of it, upon the execution, and refuses or neglects to pay over or account for the same, he shall be proceeded against in like manner, and be subject to like proceedings as constables in other cases are liable to, agreeably to the provisions contained in the twelfth section of the act to which this is a supplement

SECT. 2. *And be it further enacted by the authority aforesaid,* That where any constable shall refuse or neglect to pay over to the defendant or defendants, his or their agent or legal representatives, the overplus money which he or his deputy may have made or received upon any execution or executions, then and in such case the party or parties aggrieved may apply to the alderman or justice of the peace who issued the process, who shall thereupon proceed against such constable in the manner prescribed by the twelfth section of the act to which this is a supplement, in cases where the constable makes a false return, or neglects to return the execution; and if upon such proceedings the justice shall receive the overplus money, or if it shall be voluntarily paid to him at any time by the constable, he shall, in either case, pay over the same to the defendant or defendants, or his or their agent or legal representatives, without any fee for making such payment.

Proceedings where constable neglects or refuses to pay over to defendant overplus monies.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases where any constable shall collect or receive the debt, interest and costs, or any part thereof, of any execution, it shall be his duty to make out and deliver to the defendant or defendants in such execution, a bill of particulars of his fees and charges, together with a receipt signed by him for the same, if paid; and if any constable shall neglect or refuse, upon application to him made by the party interested, to give such bill or receipt, he shall, for such neglect or refusal, forfeit and pay the sum of ten dollars, to be recovered in the manner and for the use prescribed in the act to which this is a supplement.

Constable shall make out a bill of particulars.

SECT. 4. *And be it further enacted by the authority aforesaid,* That whenever a constable shall levy on the goods and chattels of a defendant, as is directed by the eleventh section of the act to which this is a supplement, he shall endorse the time of such levy on the execution; and no execution issued by a justice of the peace, shall be a lien on the property of the defendant before levy made thereon.

Execution no lien until levy made.

**Constable to serve only 2 years in 3.** **Deputy constable.** **Court must approve general and special deputations, except in certain cases.** **Proviso.**

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, no person shall be permitted to serve as a constable, or as the deputy of a constable, more than two years in any term of three years; and it shall be unlawful for any constable to serve as a deputy constable until the expiration of one year after he has ceased to be a constable; and it shall also be unlawful for any deputy constable to serve as a constable until one year after he has ceased to act as a deputy constable: nor shall any general or partial deputation be made by any constable without the approbation of the Court of General Quarter Sessions of the Peace of the proper county being first had and obtained, except in the cases of special deputations made at the request and risk of the plaintiff, and required by the urgency of the occasion: *Provided,* That nothing contained in this section shall be so construed as to interfere with any laws now in force in the city of Philadelphia, relating to the election of constables.

**Constable shall not purchase goods at his sales.** **Forfeiture.**

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall not be lawful for any deputy constable, or any person or persons at his direction or request, and for his use, either directly or indirectly, to purchase any goods, wares or merchandize taken in execution and sold by the principal of such deputy constable; nor shall it be lawful for any constable, or for any person at his request and for his use, in any township, city or district in which there are more constables than one, to purchase any goods, wares or merchandize taken in execution and sold by any other constable within such township, city or district; and if any constable, deputy constable or other person shall be convicted before the justices of the Court of General Quarter Sessions of the Peace, of offending against or violating any of the provisions of this section, he, she or they so offending, upon conviction thereof, shall forfeit and pay, at the discretion of the court, any sum not less than twenty dollars, nor exceeding one hundred dollars, the one half whereof shall be paid to the person informing, and the other half to the use of this Commonwealth, and moreover, shall, for seven years thereafter, be incapable of holding the office of constable, or the appointment of deputy constable.

**Proceedings where a constable neglects or refuses to pay over monies collected.** **Punishments**

**SECT. 7.** *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, if any constable shall receive money by virtue of an execution or other process, and shall neglect or refuse, upon application to him made by the party interested, to pay the amount thereof to the party entitled to receive the same, or to his, her or their agent or legal representatives, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof in the Court of General Quarter Sessions of the Peace of the proper county, he shall be sentenced to pay, at the discretion of the court, a fine of not less than twenty dollars, nor exceeding

one hundred dollars, and shall stand committed until the money so withheld shall be paid, together with the interest, fine and costs, and moreover, shall, for seven years thereafter, be incapable of holding the office of constable, or the appointment of deputy constable.

SECT. 8. *And be it further enacted by the authority aforesaid,* That where any alderman or justice of the peace shall receive the amount of a judgment rendered by him, or any part thereof, and shall refuse to pay the same over to the plaintiff or his agent, or the person to whom it is owing, such refusal shall be a misdemeanor in office; and, besides the remedy for such misdemeanor, the party aggrieved may petition the Court of Common Pleas of the proper county where the justice resides, setting forth the refusal of the alderman or justice of the peace to pay over the monies by him collected, and the said court shall take immediate order therein, by directing a notice to issue, directed to the said alderman or justice, returnable forthwith, or at such certain day as will suit the convenience of the court, setting forth the contents of the petition, and on return of the said notice and due proof of the service thereof, if the said justice appears in pursuance of the notice, and admits the facts set forth in the petition, or shall neglect or refuse to appear, in either case, the said court shall enter judgment for the amount so retained by the justice, with interest from the receipt thereof, and four dollars to the party aggrieved, besides costs; but should the facts stated in the petition be disputed by the alderman or justice, the said court shall, upon his appearance, form an issue in such manner as is calculated to do justice to the contending parties, and the whole issue shall be fully and fairly tried, and judgment shall be entered on the verdict of the jury, which shall be final and conclusive between the parties, and on judgment being rendered against any alderman or justice of the peace, in manner aforesaid, for refusing to pay over money by him received, execution shall forthwith issue at the instance of the complainant, without any stay: *Provided* the court before whom any issue is tried pursuant to this section, shall have power to decree touching the costs of such issue, as to right and justice shall appertain.

Proceedings where aldermen or justices refuse to pay over monies.

Additional remedy.

Issue & trial by jury.

Proviso.

SECT. 9. *And be it further enacted by the authority aforesaid,* That so much of the fourth section of the act to which this is a supplement, as relates to the payment of costs on an appeal, shall be, and is hereby repealed, and whenever the plaintiff shall appeal from the judgment of any alderman or justice of the peace, and shall not recover a sum greater than the judgment rendered by such alderman or justice of the peace, such plaintiff shall pay the costs of suit, and in all other cases the costs shall be paid according to the final judgment awarded respectively in such case.

Repeal of former laws as to paying costs on appeal.

SECT. 10. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement

as is hereby altered or supplied, be, and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*  
*of the House of Representatives.*

WILLIAM MARKS, Junior,  
*Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER CIX.

*A FURTHER SUPPLEMENT*

To the act entitled “An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia to the borough of Lancaster.”

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the president and managers of the company incorporated by the act to which this is a supplement, on the application of the owner or owners, or his or their agent, of any waggon or waggons intended to be used on the said road, the wheels of which are of the width of four inches or more, to cause the breadth of each of the wheels of such waggon to be correctly measured and ascertained, at some convenient place to be appointed by them, and upon the payment of thirty-seven and one-half cents for each wheel, by the owner or owners of such waggon, to cause a legible and durable mark to be put on each wheel, and thenceforth to suffer such waggon to pass through the respective gates on said roads, on payment of the tolls prescribed and made payable for waggons of like dimensions under the act to which this is a supplement, without ever making any additional charge in consequence of the wear of such wheels, until such waggon wheels, marked as aforesaid, shall be worn out or broken.

Width of  
waggon  
wheels how  
ascertained.

JOSEPH LAWRENCE, *Speaker*  
*of the House of Representatives.*

WILLIAM MARKS, Junior,  
*Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.